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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/307,621	11/14/94	DOLYNCHUK	K 1887-111-MIS

EXAMINER
GRIFFIN,R

18M2/1016

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ART UNIT	PAPER NUMBER
1803	6

DATE MAILED: 10/16/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 9/20/1994 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire THREE month(s), ______ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ ______

Part II SUMMARY OF ACTION

1. ☒ Claims 8-15 are pending in the application.
   Of the above, claims ______ are withdrawn from consideration.
2. ☒ Claims 1-7 have been cancelled.
3. ☐ Claims ______ are allowed.
4. ☒ Claims 8-15 are rejected.
5. ☐ Claims ______ are objected to.
6. ☐ Claims ______ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on ______. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on ______, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed ______, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. ______; filed on ______.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

SN 08/307621

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1803.

This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

Note the objections to the drawings under 37 CFR 1.84 set forth on the form PTO-948 enclosed herewith.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103, [illegible] that the subject matter of the various claims

EXAMINER'S ACTION

PTOL-326 (Rev. 2/93)

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1803.

This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes. Note the objections to the drawings under 37 CFR 1.84 set forth on the form PTO-948 enclosed herewith.

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>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims

was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

Claims 8-15 are rejected under 35 U.S.C. § 103 as being unpatentable over Moorhead (4,444,787), Chvapil (4,485,088), and Raisfeld (4,507,321), taken in view of University of Texas (WO 91/10427). Treatment of scar tissue with compounds within the scope of those set forth in the instant claims is shown by Moorhead (note aminoacetonitrile at column 2, lines9-25 and column 5, lines 1-30; and scaring at column 3, lines 24-64), Chvapil (note aminoacetonitrile at ABSTRACT; scar contractures and fibrotic structures at column 1, lines 20-52), and Raisfeld (note wound healing, treating burns at ABSTRACT; spermidine at column 2, line 68 & column 6, line 43; putrescine at column 3, line 2 and column 5, line 53). Selection of other transglutaminase inhibitors and determination of suitable effective amounts thereof such as the amounts set forth in instant claims 9 and 10 would have been obvious at the time the invention was made to a person having ordinary skill in this art as exemplified by Universty of Texas which discloses the effect of transglutaminase inhibition in treating filariasis (page 5,

lines 4-20) and as such is of no patentable moment in the absence of any showing of unexpected and/or unobvious results obtained thereby.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 86 S.Ct. 684, 15 L.Ed. 2nd 545 (1966), 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. § 103 are summarized as follows:

1. Determining the scope and contents of the prior art;

2. Ascertaining the differences between the prior art and the claims at issue; and

3. Resolving the level of ordinary skill in the pertinent art.

The other documents, set forth on the enclosed form PTO-892, have been considered by the examiner. Such are of interest as further showing the state of the art.

Summary: rejected, claims 8-14; stand cancelled, claims 1-7.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE **THREE MONTHS** FROM THE DATE OF THIS LETTER. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED. NOTE 35 U.S.C. 133.

Any inquiry concerning this communication should be directed to Ronald W. Griffin at telephone number (703) 308-4619.

R.W.Griffin
October 6, 1995

Ronald W. Griffin
RONALD W. GRIFFIN
PRIMARY EXAMINER
ART UNIT 1803